

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 FACEBOOK, INC. :

6 Plaintiff, :

7 :

8 v. :

9 :

10 POWER VENTURES, INC. d/b/a:

11 POWER.COM, a California :

12 corporation; POWER : Case No.

13 VENTURES, INC. a Cayman : 5:08-CV-05780

14 Island Corporation, STEVE : JW (HRL)

15 VACHANI, an individual; :

16 DOE 1, d/b/a POWER.COM, an:

17 individual and/or business:

18 entity of unknown nature; :

19 DOES 2 through 25, :

20 inclusive, individuals :

21 and/or business entities :

22 of unknown nature, :

23 Defendants. :

24
25 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 Videotaped Deposition of STEVEN VACHANI
2 taken on behalf of the Plaintiff at the offices of
3 BURSOR & FISHER, P.A., 369 Lexington Avenue, New
4 York, New York, on Wednesday, July 20, 2011,
5 commencing at 9:47 in the forenoon before PATRICIA
6 MULLIGAN CARRUTHERS, a Certified Court Reporter and
7 Notary Public of the State of New Jersey and Notary
8 Public of the State of New York.

09:47 1 THE VIDEOGRAPHER: I'm the video
09:48 2 operator, Peter Ledwith of Barkley Reporting.
09:48 3 Today's date is July 20th, 2011. The time is 9:47
09:48 4 a.m. We're here at the offices of Bursor and Fisher
09:48 5 located at 369 Lexington Avenue, New York, New York
09:48 6 to take the videotaped deposition of Steve Vachani
09:48 7 in the matter of Facebook, Inc., v. Power Ventures,
09:49 8 Inc., in the Northern District of California.
09:49 9 Counsel, please, identify themselves whom they
09:49 10 represent.

09:49 11 MR. COOPER: Monty Cooper of the
09:49 12 law firm Orrick, Herrington & Sutcliff representing
09:49 13 the plaintiff Facebook, Inc.

09:49 14 MR. BURSOR: Scott Bursor from
09:49 15 Bursor & Fisher from the -- for the defendant Steve
09:49 16 Vachani and Power Ventures.

17 S T E V E N V A C H A N I,
18 2425 B Channing Way 216,
19 Berkeley, California 94704,
20 having been first duly sworn according
09:50 21 to law, testifies as follows:

09:50 22 (Whereupon, there is a discussion
23 held off the record.)

24 THE VIDEOGRAPHER: 9:49, off the
09:50 25 record.

09:52 1 you meet with anyone to prepare for today's
09:52 2 deposition?

09:52 3 A. Just my counsel.

09:52 4 Q. All right. Without telling me the
09:52 5 content of anything you said with your counsel, can
09:52 6 you tell me approximately how long you met with
09:52 7 your counsel?

09:52 8 A. For approximately one hour.
09:53 9 Hour-and-a-half, 8:30 I came in today.

10 Q. Okay.

09:53 11 A. And we spent about one hour.

09:53 12 Q. All right. So your preparation
09:53 13 for today's deposition occurred before today's
09:53 14 deposition.

09:53 15 A. That's correct.

09:53 16 Q. Did you discuss this deposition
09:53 17 with anybody else before today?

09:53 18 A. No.

09:53 19 Q. So you didn't discuss the fact you
09:53 20 were having this deposition with any co-workers?

09:53 21 A. I informed one co-worker that --
09:53 22 that I was having this deposition and my counsel.

09:53 23 Q. Who's the co-worker you informed
09:53 24 that you were having the deposition?

09:53 25 A. This is a former co-worker, I just

09:53 1 mentioned Eric Santos.)

09:53 2 Q. And then is Mr. Santos a former
09:53 3 co-worker of Power or some other entity?

09:53 4 A. Of Power.

09:53 5 Q. By the way, throughout the day I
09:53 6 may refer to Power, and when I do, I would ask you
09:53 7 to understand I'm referring both to Power Ventures,
09:54 8 Inc., and the Web site power.com. Do you
09:54 9 understand that?

09:54 10 A. Yes.

09:54 11 Q. And if there's in any point in
09:54 12 which you feel you should clarify that an answer
09:54 13 would apply only to perhaps the corporate entity
09:54 14 not the Web site, I would ask that you -- let you,
09:54 15 me, and your counsel know that. Do you understand?

09:54 16 A. Yes.

09:54 17 Q. And that would also work the other
09:54 18 way, if a referenced answer refers to -- I may
09:54 19 refer to Power referring to the Web site, but if
09:54 20 you feel that would be incorrect, I would ask you
09:54 21 to tell me that as well. All right?

09:54 22 A. Yes.

09:54 23 Q. Can you, at a high-level, give me
09:54 24 an overview of your education?

09:54 25 A. Sure. I graduated from UC

10:04 1 A. Legally, no. As I mentioned at
10:04 2 the moment, any new activities that I'm pursuing,
10:04 3 I'm pursuing under this entity, so I'm currently
10:04 4 engaged in conversations with -- with people.

10:04 5 Q. And when did you join Power?

10:04 6 A. Power was founded in -- It was
10:04 7 2006 is when our -- our primary activities started.
10:04 8 We incorporated Power, I believe it was, if I'm not
10:04 9 mistaken, late 2006 and -- but the activities
10:05 10 started previously as a start-up, we started
10:05 11 working on it.

10:05 12 Q. Were you one of the creators of
10:05 13 Power?

10:05 14 A. I was the founder of the company.

10:05 15 Q. Now, when you say it was
10:05 16 incorporated in 2006 but started before then, was
10:05 17 it started under the Web site title www.power.com?

10:05 18 A. No. It was originally -- When we
10:05 19 originally started it, there was no Web site. It
10:05 20 was a -- Like many startups we were -- we were
10:05 21 working on a core, you know, product idea, and
10:05 22 later the name power.com came about in 2007. I
10:05 23 believe we acquired the domain in 2007.

10:05 24 Q. Who helped -- Besides yourself,
10:05 25 who helped create Power.com. You used the --

10:05 1 MR. COOPER: Let me strike that.

10:05 2 Q. You used the word "we"?

10:06 3 A. Yes.

10:06 4 Q. Who are you referring to when you
10:06 5 state --

10:06 6 A. I referred to our technology team.
10:06 7 Eric Santos was our CTO and there were a collection
10:06 8 of other technical programmers that worked on the
10:06 9 team. I couldn't name all the names right now, but
10:06 10 obviously that grew to -- that continued to grow as
10:06 11 the company grew, but it started with Eric Santos
10:06 12 as the CTO.

10:06 13 Q. What technical programmers can you
10:06 14 recall whose name that you recall?

10:06 15 A. I -- There was literally almost a
10:06 16 hundred people at the company at its peak. At the
10:06 17 time, you know, when we -- you know, started
10:06 18 interacting with Facebook so it was almost a
10:06 19 hundred people, so I don't think --

10:06 20 Q. Can you recall any names?

10:06 21 A. Yeah. I mean, do you want me to
10:06 22 go through all -- all hundred?

10:06 23 Q. Do you know all 100?

10:06 24 A. I don't know all 100, no.

10:06 25 Q. Who were the primary program --

10:06 1 MR. COOPER: Strike that.

10:06 2 Q. Going back to the foundation of
10:06 3 power.com, was it you and Mr. Santos alone or were
10:07 4 there others involved with the creation of the Web
10:07 5 site?

10:07 6 A. I was the -- the sole founder of
10:07 7 the company and I employed Eric Santos as a -- with
10:07 8 the company. He was the first technical programmer
10:07 9 and -- He was the first technical programmer.
10:07 10 There were nontechnical individuals that were
10:07 11 involved with the company also.

10:07 12 Q. All right. Who were those
10:07 13 nontechnical --

10:07 14 A. Felipe Herrera.

10:07 15 MR. BURSOR: You've got to slow
10:07 16 down.

10:07 17 A. Felipe Herrera, H-E-R-R-E-R-A.

10:07 18 Q. What was his role?

10:07 19 A. He was a corporate development.
10:07 20 He was the other key person at the company.

10:07 21 Q. Did you have a chief financial
10:07 22 officer?

10:07 23 A. The chief financial -- There was
10:07 24 no chief financial officer. There were individuals
10:07 25 in that role, but not with that title.

10:13 1 have reflected the corporate structure of the
10:13 2 company.

10:13 3 A. Correct.

10:13 4 Q. Do you have any documents that
10:13 5 reflect the employees and their roles?

10:13 6 A. Yeah.

10:13 7 Q. And what type of documents are
10:13 8 those?

10:13 9 A. Those would be standard employment
10:13 10 contracts, and NDAs, and standard proprietary
10:13 11 invention agreements.

10:13 12 Q. Do you have any document that,
10:13 13 like, provides a table of the roles of the
10:13 14 employees and who their supervisors are?

10:13 15 A. I could -- I would -- I could find
10:13 16 that.

10:13 17 Q. Is power.com still operating?

10:13 18 A. The company is still operational.

10:13 19 Q. How many employees are there
10:13 20 currently?

10:13 21 A. There are currently no -- no
10:13 22 employees for the company.

10:13 23 Q. Are you the sole --

10:14 24 A. I'm the sole person at the company
10:14 25 right now.

10:15 1 A. No.

10:15 2 Q. Did it formerly?

10:15 3 A. Yes, did it.

10:15 4 Q. Where did it formerly operate out

10:15 5 of?

10:15 6 A. It was based in -- in the city of

10:15 7 Rio de Janeiro was the primary offices, and there

10:15 8 was secondary offices we had in Salvador. It's in

10:15 9 Brazil, also.

10:15 10 Q. Is that a short name for it --

10:15 11 A. No. It's the city.

10:15 12 Q. And where was the company -- Where

10:15 13 is the company incorporated?

10:15 14 A. It's incorporated in Cayman

10:15 15 Islands and in the United States.

10:15 16 Q. Where in the US?

10:15 17 A. Delaware.

10:15 18 Q. Do you pay a Delaware franchise

10:16 19 tax annually?

10:16 20 A. Yes, we do.

10:16 21 Q. Pay any type of franchise tax in

10:16 22 the Cayman Islands?

10:16 23 A. Yeah. There are -- There are

10:16 24 taxes paid. Correct.

10:16 25 Q. From where is the revenue

10:23 1 Power?

10:23 2 A. I believe it was approximately
10:23 3 three years.

10:23 4 Q. And how long did Mr. Bacelar.

10:23 5 A. Approximately three years. I
10:23 6 don't know the exact dates.

10:23 7 Q. Can you -- Do you have an
10:23 8 approximation of when they left Power?

10:23 9 A. Probably 2009 or 2000 -- late
10:23 10 2009. I'm guessing.

10:23 11 Q. And you indicated Mr. Santos is no
10:23 12 longer working at --

10:23 13 A. That's correct.

14 Q. -- at Power?

10:23 15 A. He's no longer working at Power.

10:23 16 Q. When did Mr. Santos cease to work
10:23 17 at Power?

10:23 18 A. About one-and-a-half years ago.

10:23 19 Q. Did anybody succeed Mr. Santos in
10:23 20 the role of supervising programming --

10:23 21 A. No.

10:23 22 Q. How long was -- How long did it
10:24 23 take for Mr. Santos and/or Mr. Santos and his
10:24 24 programmers to develop any type of code that was
10:24 25 functional as a Web site power.com?

11:03 1 two forms, either it was done through E mail or
11:03 2 there would be text documents that would -- that
11:03 3 would -- If in some products there would be -- that
11:03 4 required more definition, there would be more
11:03 5 formal requirement documents that would be in the
11:03 6 form of a text form. That's correct.

11:03 7 Q. All right. So some of the
11:03 8 development and functionality was described in
11:03 9 internal E mails amongst the employees?

11:03 10 A. Correct.

11:03 11 Q. Is that -- Are those E mails
11:03 12 indexed anywhere?

11:03 13 A. Typically when -- during the
11:03 14 declarations, I went through every E mail that
11:03 15 related to Facebook and I believe all those were
11:03 16 provided to -- in the declarations, provided to our
11:03 17 lawyer.

11:03 18 Q. I understand we'll get to the
11:04 19 product issues, but all I'm asking about are all
11:04 20 the E mails that were ever generated describing the
11:04 21 functionality of PowerScript, are they maintained
11:04 22 anywhere anymore?

11:04 23 A. They are maintained I would -- in
11:04 24 my E mailbox.

11:04 25 Q. Would -- What E mail service was

11:04 1 used internally at power.com for -- for discussions
11:04 2 amongst employees?

11:04 3 A. It was -- Well, our -- on Power
11:04 4 domain but it would be so it would on -- on the
11:04 5 servers.

11:04 6 Q. For instance, did you use Outlook?

11:04 7 A. Yes. Some people used Outlook,
11:04 8 some people used different services, but Outlook
11:04 9 was the primary -- primary service. Each
11:04 10 individual had their own E mail platform. For
11:04 11 example, I used Web-based E mail where I received
11:04 12 everything in my Yahoo E mail.

11:04 13 Q. Were the E mails sent intra--
11:04 14 intra, I-N-T-R-A company so that they only went to
11:04 15 other employees in the company?

11:04 16 A. They would go to -- It was not --
11:05 17 It would go to whoever was copied on the E mail.

11:05 18 Q. Were those E mails backed up
11:05 19 anywhere?

11:05 20 A. I believe they were backed up on
11:05 21 our servers.

11:05 22 Q. Okay. And those are the servers
11:05 23 that were hosted by IWEB and Amazon.com.

11:05 24 A. That's correct.

11:05 25 Q. And is that backup information

11:05 1 still available to you through your site that

11:05 2 you're currently hosting on a monthly basis?

11:05 3 A. Everything was instructed to be
11:05 4 copied there, and so I'm assuming that it's all
11:05 5 there. I haven't looked at it individually
11:05 6 personally, but I made a backup of everything.

11:05 7 Q. Now, you also said some
11:05 8 documentation relating to coding was maintained in
11:05 9 text form?

11:05 10 A. Yes. Some products -- Some
11:05 11 products -- Text form meaning an electronic file.
11:05 12 If -- If a product required -- Usually, in the
11:05 13 early stages of a -- of a product, later on, as it
11:05 14 evolved, a lot was done informally by E mails.

11:05 15 Q. And those text files are they also
11:06 16 still available to you?

11:06 17 A. They would be in my E mailbox if
11:06 18 they -- if they're available.

11:06 19 MR. COOPER: I can do this one of
11:06 20 two ways. The Northern District typically --
11:06 21 there's a rule that says we're to try and do depo
11:06 22 exhibits consecutively. I believe the last one
11:06 23 ended on six. We can start at seven. However, if
11:06 24 there's any concern about confusion with that, I
11:06 25 often just start, like, say at 100 so we'd have

01:30 1 where the conversations on those existed, but yes.
01:30 2 There are specific scripts like Get photo that, you
01:30 3 know, that are -- that are -- that we've discussed
01:30 4 and talked about and that are available. I mean,
01:30 5 if you want to prove that we were -- we were
01:30 6 getting photos or getting contents, I think we've
01:30 7 said it many times that we are -- that's what our
01:30 8 -- that's what our users are asking us to do to
01:30 9 access their information.

01:31 10 Q. All right. But that code was not
01:31 11 produced by you. Correct?

01:31 12 MR. BURSOR: We would stipulate
01:31 13 the source code has not been produced.

01:31 14 A. Yeah, we've already stipulated
01:31 15 it's not been produced.

01:31 16 Q. Nor -- And the only technical
01:31 17 documentation you suggest was developed in
01:31 18 conjunction with that source code are the two
01:31 19 documents I put in front of you, 100 and 101?

01:31 20 A. This is the foundation of how
01:31 21 every PowerScript is created.

01:31 22 Q. Right. And you indicated there
01:31 23 were 100 employees at Power at the height of its --

01:31 24 A. That's correct. Yes.

01:31 25 Q. -- operation?

01:39 1 that are stored on --

01:39 2 A. I trusted Eric to search for
01:39 3 himself. I requested him and then he's pretty
01:39 4 good.

01:39 5 Q. Did you oversee his search?

01:39 6 A. I was very explicit in my request.
01:39 7 I don't need to -- to look over his shoulder, you
01:39 8 know. I asked him, you know, to look and he
01:39 9 provided it.

01:39 10 Q. Mr. Santos is currently residing
01:39 11 in Brazil?

01:39 12 A. That's correct.

01:39 13 Q. Do you know if -- Do you know if
01:40 14 Mr. Delgado searched for E mails?

01:40 15 A. I requested from -- I requested
01:40 16 for Eric to contact anyone that he -- any E mails
01:40 17 that he would have been involved in, so in general,
01:40 18 if -- if any E mail that Eric -- that Mr. Delgado
01:40 19 was writing, he would have copied Eric on it,
01:40 20 because in our protocol of our company, he was his
01:40 21 manager so anything related to the project would
01:40 22 have gone through Eric; so while I didn't -- I
01:40 23 didn't go into every detail because I know that it
01:40 24 was common practice to copy your manager on E mails
01:40 25 on a product or project that you're working on.

03:44 1 other priorities obviously before that.

03:44 2 Q. At any time, do you recall Power
03:44 3 expending revenue for marketing surveys to see what
03:44 4 -- what features that users of the Power site might
03:45 5 like?

03:45 6 A. No, we didn't. We already -- We
03:45 7 -- We didn't spend money to do marketing surveys.
03:45 8 We looked -- We had a lot of -- We had enough data
03:45 9 from our current users of what was working and we
03:45 10 looked at the sites. We didn't really get to that
03:45 11 point. We turned on just a basic test of Facebook,
03:45 12 as I said, for a few weeks. We didn't even get to
03:45 13 that point where they had -- were able to implement
03:45 14 all the next generation of features.

03:45 15 Q. Do you have a recollection how
03:45 16 fast after its creation Power got to 100 employees?

03:45 17 A. Yeah. In about one year. There
03:45 18 were about a hundred employees grown in a year. In
03:45 19 the year of 2007 from the -- basically from the
03:45 20 beginning to the end, essentially we grew to -- we
03:45 21 added about a hundred employees.

03:45 22 Q. At the time Facebook launched, did
03:45 23 you still have about 100 employees?

03:45 24 A. When Facebook launched we had
03:45 25 about 100 employees. That's correct.

03:46 1 Q. How long after the launch of
03:46 2 Facebook --

03:46 3 MR. COOPER: Strike that.

03:46 4 Q. Did there come a point where Power
03:46 5 didn't have sufficient revenue to pay employees?

03:46 6 A. The issue was not revenues because
03:46 7 it was investment, and the Facebook lawsuit
03:46 8 actually, you know, definitely had a very big
03:46 9 impact on -- on our company's ability to raise
03:46 10 money and also on the ability to potentially open
03:46 11 up our platform to developers because it created a
03:46 12 huge -- huge problem for -- huge problem for us and
03:46 13 with investors fears. It was very disruptive.

03:46 14 Q. Do you know when approximately
03:46 15 Power ran out of the ability to use investment
03:46 16 capital to pay its employees?

03:47 17 A. Well, the company continued to --
03:47 18 I mean -- I guess, you can say we ran out when the
03:47 19 company -- a few months ago when we completely ran
03:47 20 out, but we obviously dramatically reduced our
03:47 21 resources in 2008. And in 2009 we had
03:47 22 significantly less spent 2008, 2009 during the time
03:47 23 of the lawsuit started.

03:48 24 Q. Do you ever recall speaking to the
03:48 25 New York Times about this lawsuit?

04:39 1 on the top of Exhibit Number 106?

04:39 2 A. Yes.

04:39 3 Q. Do you see it's January 13, 2009?

04:39 4 A. Yes.

04:39 5 Q. As of January 13, 2009, did Power
04:39 6 still have the ability to locate a script that was
04:39 7 used in conjunction with the launch promotion?

04:39 8 A. If it existed, yes.

04:39 9 Q. Do you know if at any time Power
04:39 10 had in place what is known as a litigation hold
04:39 11 instructing employees not to destroy documents
04:39 12 after this case was filed?

04:39 13 A. We never -- We didn't destroy any
04:39 14 documents after that -- anything -- destroy
04:39 15 anything after this case started.

04:39 16 Q. Then does that mean the
04:39 17 PowerScript should still exist?

04:39 18 A. What I know is PowerScripts are
04:39 19 dynamic script's that are constantly updated, so I
04:40 20 don't know what exists for this.

04:40 21 Q. If you go back to Exhibit 106 --
04:40 22 First of all, was any instruction ever given to
04:40 23 employees not to destroy any documentation relating
04:40 24 to the Facebook program?

04:40 25 A. Not to -- We don't -- It's not our

04:40 1 standard practice to destroy anything, so there's
04:40 2 not -- Since we don't actively destroy something,
04:40 3 there's no need to tell them not to destroy it. We
04:40 4 don't have any policy for destroying -- destroying
04:40 5 our documents.

04:40 6 Q. And that includes your
04:40 7 PowerScripts?

04:40 8 A. Well, PowerScripts, I believe, are
04:40 9 dynamic things. There was no policy saying change
04:40 10 -- preserve an earlier version of that. I don't
04:40 11 know how the -- The PowerScripts are like HTML
04:40 12 changes. They're very similar to making an HTML
04:40 13 change.

04:40 14 Q. Do you know when the promotion
04:40 15 shown on Exhibit 103 exist -- when it lasted from?

04:41 16 A. That lasted from December of 2008
04:41 17 -- Was that eight? Yes. December of 2008 until
04:41 18 2000 -- I guess -- like the -- January -- Well,
04:41 19 Facebook -- It lasted well beyond Facebook, so it
04:41 20 probably lasted until about March or April, but
04:41 21 Facebook was only alive for four weeks, five weeks.

04:41 22 Q. I'm sorry. At that time in that
04:41 23 timeframe is when Power was sued by Facebook.
04:41 24 Correct?

04:41 25 A. That's correct.

04:52 1 MR. BURSOR: You've answered the
04:52 2 question.

04:52 3 Q. Do -- Did -- As of December 1st,
04:52 4 2008, did Power employ internal general counsel?

04:52 5 A. We had a person internally that is
04:52 6 a lawyer and reviewed these -- these documents when
04:53 7 requested.

04:53 8 Q. Who is that individual?

04:53 9 A. That was Filipe.

04:53 10 Q. Filipe Herrera is a lawyer?

04:53 11 A. Yes.

04:53 12 Q. Is he a lawyer in the United
04:53 13 States?

04:53 14 A. He's not a lawyer in the United
04:53 15 States.

04:53 16 Q. He's licensed under Brazil?

04:53 17 A. He's -- Yeah. An experienced
04:53 18 international lawyer licensed under Brazil.

04:53 19 Q. Did you have any attorney who was
04:53 20 responsible for reviewing documents to comply with
04:53 21 the United States law?

04:53 22 MR. BURSOR: Just hold on a
04:53 23 second. Did you have any attorney who was
24 responsible for reviewing documents for compliance
25 with United States law?

06:07 1 A. Not all, but we -- I don't believe
06:07 2 as many people use their -- like myself use their
06:07 3 Web mail account. As long as they were -- We
06:07 4 didn't enforce strict guidelines on how to use your
06:07 5 e-mail address. They were given e-mail addresses
06:07 6 and they configured it accordingly. You'll notice
06:07 7 that mine mostly come from steve@stevevachani.com.

06:07 8 (Whereupon, Exhibit 114 is marked
06:08 9 for identification by the reporter.)

06:08 10 Q. Mr. Vachani, I've put in front of
06:08 11 you a December 25th, 2008, E mail from you to
06:08 12 Mr. Santos and someone name Bruno Carvalho at
06:08 13 corp.power.com. Who is Mr. Carvalho?

06:08 14 A. He worked on Eric's team.

06:08 15 Q. Was he involved in any way in
06:08 16 integrating Facebook with Power?

06:08 17 A. He's not a programmer.

06:08 18 Q. What's his function?

06:08 19 A. He would help with some of the
06:08 20 product ideas with Eric.

06:08 21 Q. What was his employee -- specific
06:08 22 employee role at Power?

06:08 23 A. He was -- He would help with
06:08 24 product definition and ideas.

06:08 25 Q. Did you inquire of him to search

06:08 1 his E mails?

06:08 2 A. Yes, I did.

06:08 3 Q. Where is Mr. Carvalho now?

06:08 4 A. He's in Brazil.

06:08 5 Q. When did Mr. Carvalho leave Power?

06:08 6 A. Same time as they -- He was part

06:08 7 of the last batch of 2010 beginning of 2010.

06:08 8 Q. Was he involved in the evaluation
06:09 9 of Facebook Connect before December 1st, 2008?

06:09 10 A. He would have been -- him and --
06:09 11 It would have been the other person that Eric would
06:09 12 have consulted more on the idea side and the
06:09 13 strategy side, product strategy side rather than --
06:09 14 he wouldn't be programing. He's not a programmer.

06:09 15 Q. Was he involve with marketing?

06:09 16 A. He's the product -- he reported to
06:09 17 Eric so, yeah. Product marketing was driven by
06:09 18 product, so Bruno would be the guy that would be
06:09 19 Eric would consult, you know, with product ideas.

06:09 20 Q. Did Mr. Carvalho locate any E
06:09 21 mails that he forwarded to you?

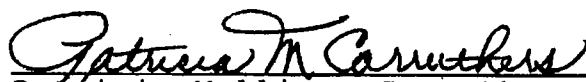
06:09 22 A. I sent everything that I had from
06:09 23 Bruno including this E mail, this might have even
06:09 24 -- this one I think I sent, but I did contact Bruno
06:09 25 also.

C E R T I F I C A T I O N

I, PATRICIA MULLIGAN CARRUTHERS, a
Certified Shorthand Reporter and Notary Public of
the State of New Jersey and a Notary Public of the
State of New York, do hereby certify that prior to
the commencement of the examination the witness was
sworn by me to testify as to the truth, the whole
truth, and nothing but the truth.

I do further certify that the foregoing is
a true and accurate transcript of the testimony as
taken stenographically by and before me at the
time, place, and on the date hereinbefore set
forth.

I do further certify that I am neither of
counsel nor attorney for any party in this action
and that I am not interested in the event nor
outcome of this litigation.



Patricia Mulligan Carruthers, CSR
Certificate No. XI00780
Notary Public of the State of New York
Notary Public of the State of New Jersey

Dated: JULY 27, 2011

My commission expires October 28, 2015 (N.J.)
My commission expires December 21, 2013 (N.Y.)